

**REAL ESTATE CONTRACTUAL FORMS ADVISORY COMMITTEE
MINUTES
NOVEMBER 2, 2006**

PRESENT: Casey Clickner, Richard Hinsman, Michael Holloway, Richard Staff, Peter Sveum, Jennifer McGinnity, Mary Pangman Schmitt, Michael Mach, Margaret Henningsen, Tom Feiza

EXCUSED: Scott Minter

STAFF: Kimberly Nania, Division Administrator; William Black, Legal Counsel; Nicole Goodman, Bureau Assistant; other Department staff was present during portions of the meeting

GUESTS: George Russell, Wisconsin Legal Blank; Tracy Rucka, WRA, Debbi Conrad, WRA; Cori Lamont, WRA; Kevin King, WRA; Kim Moermond, First Weber

CALL TO ORDER

Peter Sveum, Chair, called the meeting to order at 10:05 a.m. A quorum of ten members was present.

ADOPTION OF AGENDA

MOTION: Michael Holloway moved, seconded by Richard Hinsman, to approve the agenda as published. Motion carried unanimously.

APPROVAL OF MINUTES (AUGUST 22, 2006)

MOTION: Richard Staff moved, seconded by Mary Pangman Schmitt, to approve the minutes of August 22, 2006 as written. Motion carried unanimously.

ADMINISTRATIVE REPORT – TIM WELLNITZ, BUREAU DIRECTOR

Kimberly Nania, Division Administrator, informed the Committee that the Department is considering placing the open session recordings on the Department's website.

RECOMMENDATIONS FOR REVISION OF CONTRACTUAL FORMS

Review of Draft Residential Listing Contract- Exclusive Right to Sell (WB-1)

The WRA provided the Committee with the Feedback to 10-10 Draft of WB-1 Listing Contract and 10-10 Draft of WB-36 Buyer Agency Agreement. The Committee reviewed William Black's draft of the Residential Listing Contract – Exclusive Right to Sell (WB-1) and recommended changes.

- Lines 1-29 rewrite, shorten, consolidate and reorganize.
- Lines 55-57 remove and add a warning
- Line 68 remove “Under Wisconsin law”

MOTION: Richard Staff moved, seconded by Casey Clickner, to remove language addressing condemnations (lines 68-69). Motion carried unanimously.

- Lines 70-72 change language.
- Lines 90-93 add “Any termination of this listing shall be in writing”.
- Lines 98-99 bold.
- Lines 100-103 unbold but leave capitalized.
- Lines 207-208 change language to read “Seller authorizes Broker to distribute the report to all interested parties and agents inquiring about the Property. Seller acknowledges that Broker has a duty to disclose all material adverse facts as required by law.”
- Line 263 remove the words “and hours” and “such as acceptance”.
- Lines 271-272 remove “home entertainment and satellite television components”.
- Linea 275-276 change to read :CAUTION: Consider excluding from the sale any fixtures to be retained by Seller or which are rented (e.g., water softener or other conditioning systems, home entertainment and satellite dish components, L.P. tanks, ect.) from the Property offered for sale at lines____ and in the offer to purchase.”
- Lines 280-281 change number 4 to read 4) via e-mail, but only for the delivery for a list of protected buyers (see line 331).”
- Lines 293-314 use the WRA draft and change some language.
- Line 304 add “known to seller”
- Line 303-309 remove check boxes and modify language.

Review of Draft Buyer Agency/Tenant Representation Agreement (WB-36)

From the Buyer Agency Agreement draft

- Lines 212-215: “PERSON ACTING FOR BUYER: In this Agreement “Person acting for Buyer” shall mean any person joined in interest with Buyer, or other wise acting on behalf of Buyer, including but not limited to Buyer’s immediate family, agents, servants, employees, as well as any and all corporations, partnerships, limited liability companies or other entities controlled by, affiliated with or owned by Buyer in whole or in part.”

MOTION: Richard Staff moved, seconded by Michael Holloway, to request that the Department draft language relating to the exclusive right to negotiate.
Motion carried unanimously.

- Line 2 on WB-36 needs to be written clearer.

William Black and Rick Staff will work on lines noted in the WRA’s Feedback Draft.

Review of Other Contractual Forms for Revision

None.

Schedule Future Meeting Dates

The Committee scheduled their next meeting for December 19, 2006 at 10:00 a.m.

ADJOURNMENT

MOTION: Mary Pangman Schmitt moved, seconded by Richard Hinsman, to adjourn the meeting at 2:00 p.m. Motion carried unanimously.

NEXT MEETING: DECEMBER 19, 2006